

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF OKLAHOMA

HAROLD LOYD JOHNSON,	)	
	)	
Plaintiff,	)	
	)	
vs.	)	Case Number CIV-09-263-C
	)	
DAVID MILLER, Warden,	)	
	)	
Defendant.	)	

**ORDER ADOPTING REPORT AND RECOMMENDATION**

This 42 U.S.C. § 1983 action brought by a prisoner proceeding pro se, was referred to United States Magistrate Judge Gary M. Purcell, consistent with the provisions of 28 U.S.C. § 636(b)(1)(B). Judge Purcell entered a Report and Recommendation (“R&R”) on May 18, 2009, to which Plaintiff has objected. The Court therefore considers the matter de novo.

In the R&R, Judge Purcell recommends denial of Plaintiff’s request for entry of default judgment and his request for a preliminary injunction. The R&R carefully and thoroughly sets out the facts and the applicable law and Plaintiff has offered nothing in his Objection suggesting a different result is warranted. In short, based on the March 18, 2009, Order, Defendant was not in default and Plaintiff has failed to offer a basis sufficient to satisfy the heavy burden necessary to obtain injunctive relief.

Accordingly, the Court adopts, in its entirety, the Report and Recommendation of the Magistrate Judge (Dkt. No. 16), and, for the reasons announced therein, Plaintiff’s Motion

for Order of Preliminary Injunction (Dkt. No. 14) is DENIED. Likewise, Plaintiff's Declaration for Entry for [sic] Default (Dkt. No. 15) is DENIED.

IT IS SO ORDERED this 20th day of August, 2009.



---

ROBIN J. CAUTHRON  
United States District Judge